

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

William R Bradley, Jr,

Plaintiff,

v.

Case No. 1:04cv779

Department of Housing and Urban  
Development, et al.,

Judge Michael H. Watson

Defendant(s).

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed June 29, 2005 (Doc. 22).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter *de novo* pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Defendant United States Department of Housing and Urban Development's Motion to Dismiss (Doc. 15) is **GRANTED**. Plaintiff's Complaint against Defendant United States Department of Housing and Urban Development is dismissed without prejudice for failure to serve and failure to abide by a Court order. An appeal of this decision would not be taken in good faith. This action shall proceed only against Defendant EMC Mortgage Corporation.



Michael H. Watson  
United States District Judge